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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/809,786	03/26/2004	Tomohide Mori	325772035100	7138

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EXAMINER


VARGAS, DIXOMARA

ART UNIT PAPER NUMBER

2859

DATE MAILED: 02/07/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b> 10/809,786	<b>Applicant(s)</b> MORI ET AL. 	
	<b>Examiner</b> Dixomara Vargas	<b>Art Unit</b> 2859	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 11/22/05.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-18 is/are pending in the application.
- 4a) Of the above claim(s) 3 and 10-18 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1,2,4,8 and 9 is/are rejected.
- 7) ☒ Claim(s) 5-7 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 26 March 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All    b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>05/11/05</u> | 6) <input type="checkbox"/> Other: _____  |

## DETAILED ACTION

### *Election/Restrictions*

1. This application contains claims 3 and 10-18 are drawn to an invention nonelected without traverse in Paper filed 08/11/05. A complete reply to the final rejection must include cancellation of nonelected claims or other appropriate action (37 CFR 1.144) See MPEP § 821.01.
2. Applicant is reminded that upon the cancellation of claims to a non-elected invention, the inventorship must be amended in compliance with 37 CFR 1.48(b) if one or more of the currently named inventors is no longer an inventor of at least one claim remaining in the application. Any amendment of inventorship must be accompanied by a request under 37 CFR 1.48(b) and by the fee required under 37 CFR 1.17(i).

### *Claim Rejections - 35 USC § 102*

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4. Claims 1, 2, 4, 8 and 9 are rejected under 35 U.S.C. 102(e) as being anticipated by Chowdry et al. (US 6,605,399 B2).

With respect to claims 1, 8 and 9, Chowdry discloses a cleaning device for collecting toner on a surface of an image bearing body, comprising (Figure 8): a rotary member having electrical conductivity (#513, #521 and #503) and being rotatively driven while being in contact with the surface of the image bearing body (belt not numbered); a conductive member which makes contact with the image bearing body on an upstream side (#503 and #504) of the rotary member in a conveyance direction of the image bearing body (as seen on Figure 8); and a single of d.c. power supply to which either one of the rotary member and the conductive member is connected (motor M and power supply #552 connected to #521), the other being grounded (as seen on Figure 8 wherein #503, #513 and #514 are grounded), and which generates a d.c. current that flows via the image bearing body between the rotary member and the conductive member, whereby a first electric field in such a direction as to exert a force for adsorbing the toner of a normal charging polarity to the rotary member is generated between the rotary member and the image bearing body while a second electric field in a direction reverse to the first electric field is generated between the conductive member and the image bearing body (Column 17, lines 1-37).

5. With respect to claims 2 and 4, Chowdry discloses the rotary member (#513 and #521) is connected to the d.c. power supply and the conductive member is grounded wherein the power supply is a constant current (Figure 8 as discuss above).

***Allowable Subject Matter***

6. Claims 5-7 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

*Response to Arguments*

7. Applicant's arguments filed 11/22/05 have been fully considered but they are not persuasive.

8. Applicant argues the following:

Element 513 of Chowdry is actually a support roller which moves the transport web 516 along a path and transports the sheets 512 along that path. Applicants assume that the belt referred to by the Examiner is the belt which is around the support rollers 513 and 514. However, this belt is not an image bearing body. Rather, Chowdry clearly teaches that elements 503 are sleeved primary image-forming members (col. 9, lines 7-10). The belt merely moves the sheets 512 along a certain path. The belt does not bear any images. It may bear a sheet of paper which bears an image, but it does not bear an image. Thus, element 513 cannot correspond to the claimed rotary member since it does not make contact with the surface of element 503 (the image bearing member). This means the only element which could correspond to the claimed rotary member, which makes contact with the image bearing member 503, is the transfer backing member 521.

According to claim 1, one of the rotary member and the conductive member is connected to the single power supply while the other is grounded. In the case of Chowdry, the transfer backing member 521 (corresponding to the claimed rotary member) is connected to the power supply. Therefore, to teach the features of claim 1, the conductive member, which the Examiner asserts corresponds to element 504, must be connected to ground. As can be seen in Fig. 8 of Chowdry, element 504 is not connected to ground. Although element 513 is connected to ground, as discussed above, this element cannot possibly correspond to the claimed rotary member. Accordingly, Chowdry fails to teach or suggest the features of claim 1.

9. The examiner disagrees with applicant's argument because according to the specification of the current application in several paragraphs of the application, for example, paragraph (0103) states that the image bearing body is the transfer belt #14 of the current application in Figure 1 which is also the transfer belt stated in the rejection above as not numbered by Chowdry in Figure 8. Regarding the rotary member, as stated above, the examiner has interpreted the rotary

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member as being the support rollers #513 and #514, pressure rollers #521 or PC drums #503 shown in Figure 8 which as seen on said Figure, are in contact with the transfer belt. If applicant meant any other type of roll, applicant is reminded that the claimed language does not specify which roller is being referred to, for example, a fur brush, and therefore, the recitation "rotary member" could apply to any of the rollers of the imaging system in contact with the transfer belt that rotates during operation. In addition, Figure 8, shows pressure rollers are connected to power supply #552 as required by the claim language while the support rollers and pc drums #503 are grounded by coating #509 (Column 11, lines 10-67). For the reasons stated above, the 35 U.S.C. 102(e) rejection is maintained and considered proper.

### ***Conclusion***

10. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Dixomara Vargas whose telephone number is (571) 272-2252. The examiner can normally be reached on Monday to Thursday from 8:00 am. to 4:30 pm..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Diego Gutierrez can be reached on (571) 272-2245. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Dixomara Vargas  
Art Unit 2859  
February 1, 2006



Diego Gutierrez  
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